

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HALEY IP LLC,)
Plaintiff,)
v.) Civil Action No. 2:22-cv-00230-JRG-RSP
BRIDGESTONE AMERICAS, INC.,) JURY TRIAL DEMANDED
d/b/a AZUGA, INC.)
Defendant.)

OBJECTION TO REPORT AND RECOMMENDATIONS

HALEY IP LLC (“Haley” or “Plaintiff”) sued BRIDGESTONE AMERICAS, INC., d/b/a AZUGA, Inc. for infringing claims of its U.S. Patent No. 10,204,261 ('261 Patent).¹ On August 19, 2022, AZUGA, INC. (“Azuga”) filed a Motion to Dismiss BRIDGESTONE AMERICAS, INC. (“Bridgestone”) from this Action for failure to state a claim upon which relief can be granted because Bridgestone and Azuga are two separate entities and only Azuga’s products are alleged to infringe.² Azuga also moved to dismiss for improper venue.³ On December 19, 2022, the Honorable United States Magistrate Judge Roy S. Payne issued a Report and Recommendation stating that venue is improper and the Motion to Dismiss as to Azuga, Inc. should be granted. Plaintiff Haley objects to the dismissal of Azuga for the reasons discussed herein. Should the court dismiss Azuga, Haley respectfully request it do so without prejudice.

From information found on both Bridgestone and Azuga's websites, it is shown that Azuga's products infringe Haley's '261 Patent and that Bridgestone advertises and uses Azuga's

¹ Doc. No. 1.

² Doc. No. 11.

³ Doc. No. 10.

products. Bridgestone's website refers to Azuga as its "Bridgestone Fleet Solutions" and provides a link directly to Azuga's website where an infringing device "Safety Cam" is advertised.



The screenshot shows a web browser window with the URL <https://www.bridgestoneamericas.com/en/company/businesses/solutions/bridgestone-fleet-solutions>. The page features the Bridgestone logo and navigation menus. The main content area is titled "Bridgestone Fleet Solutions - Azuga". It describes Azuga's innovative solutions for commercial fleets, government agencies, insurance companies, and automotive industry suppliers. A link to "Azuga" is present. A horizontal line with the number "4" is located at the bottom right of the screenshot.

Bridgestone's website also states:

The completion of this acquisition is a significant milestone on our journey to build a more diverse, digital and future-focused Bridgestone," said Paolo Ferrari, president & CEO, Bridgestone Americas, and Global Chief Solutions Business Officer, Bridgestone Corporation. "With Azuga in our portfolio, we will be able to scale our mobility solutions with speed to drive increased safety, sustainability and efficiency for fleet customers."

The Azuga fleet management platform complements Bridgestone's existing portfolio of cloud-based fleet mobility solutions. **Bridgestone will leverage Azuga's robust data capture capabilities to advance the development of its core tire products and sustainable mobility solutions.**

More than 400 Azuga employees and all Azuga facilities in the U.S. and India have successfully transitioned to Bridgestone. (emphasis added)⁵

⁴ <https://www.bridgestoneamericas.com/en/company/businesses/solutions/bridgestone-fleet-solutions>

⁵ <https://www.bridgestoneamericas.com/en/newsroom/press-releases/2021/bridgestone-completes-azuga-acquisition>

As noted, Bridgestone boasts that it will leverage Azuga's robust data capture capabilities to advance the development of its core tire products. Bridestone is at least indirectly infringing the '261 Patent by advertising and promoting Azuga's infringing device for use and/or purchase by others, and directly infringing the '261 Patent if it is using the data capture capabilities of Azuga's infringing products. Azuga is likewise infringing the '261 Patent based on its infringing products.

Because both Bridgestone and Azuga are accused of infringing the same patent based on the same device, should this court choose to dismiss as to Azuga, it is requested that the dismissal of Azuga be without prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and LR5, I hereby certify that all counsel of record who have appeared in this case are being served on this day of January 3, 2023, with a copy of the foregoing via email and ECF filing.

/s/ William P. Ramey, III
William P. Ramey, III